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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,901	10/30/2003	Steven G. Glazik	0401-0002	9246

7590 01/23/2006
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EXAMINER

PETRAVICK, MEREDITH C

ART UNIT PAPER NUMBER

3671

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,901	Applicant(s) GLAZIK ET AL.	
	Examiner Meredith C. Petravick	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24,25 and 27-31 is/are rejected.
- 7) ☒ Claim(s) 26 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24-25 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 22,235 to Hadcock et al.

Hadcock et al. discloses a finger capable of receiving a harvester reel pickup tine finger. The finger is an elongate hollow finger (c) having an elongated cavity (a) opening to at least one end. The cavity is curved in the direction of its elongation and the cavity extends over at least a portion of the length of the hollow finger (Fig. 2). A fastener (screw in slot B) connects the hollow finger to a pickup tine finger.

Regarding claims 24-25 and 28-31, the method would be inherent as the normal and logical manner in which the finger of the Hadcock patent would be used.

3. Claims 24-25 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,261,153 to Johnston.

Johnston discloses a method including positioning an elongate hollow finger (40) having a cavity over a portion of a pickup tine finger and fastening the hollow finger to the pickup tine finger (Col. 3, lines 63-70).

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Regarding claims 28-30, repair is accomplished without removing the pickup tine from the harvester, the hollow finger is fastened by friction and the hollow finger covers substantially all of the pickup finger.

Regarding claim 31, the hollow finger is capable of being a substantial replicate of the pickup tine finger since the pickup tine finger is not defined in this claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 22,2345 to Hadcock et al. in view of U.S. Patent No. 4,706,448 to Gessel et al.

The Hadcock et al. patent discloses the claimed invention, as stated in the paragraph above, except for the elongate hollow finger being mounted to the first finger through a split ring arrangement. The Gessel '448 patent teaches that it is known in the art to mount fingers (22) to a working implement using split rings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Hadcock et al. patent with the split ring mounting arrangement as taught by the Gessel '448 patent, in order to provide an alternative means of quickly mounting a finger.

Allowable Subject Matter

6. Claims 1-23 are allowed.
7. Claims 26 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 10/14/2005 have been fully considered but they are not persuasive with respect to claims 24-25 and 27-31.

Applicant argues that neither Hadcock et al. nor Johnston inherently discloses the claimed method in claim 24 and its dependent claims. Because 1) the resultant tine would be shorter and therefore nonfunctional and 2) there would be nothing to attach the finger (c) of Hadcock to and the finger (40) of Johnston to if the tine of tooth were broken.

First, contrary to Applicant's first argument, the resultant tine would not be nonfunctional. The fact that the tine would be shorter might prevent it from working as well as a longer tine but does not make it nonfunctional. The tine would still have some length, which would contact the crop on the pickup.

Second, Applicant's second, Applicant argues seems to argue that the tooth and tine in Hadcock and Johnston would only break in a way so that they would not in the finger (i.e. completely squared off in Hadcock and only at the bend). However, a broken tooth in Hadcock could as is likely to break so that the end is not squared off and could fit in finger and likewise

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the tine in Johnston does not have to break at the bend. Applicant's claim 24 does not include any limitations as to the shape of the broken finger.

Therefore, claims 24-25 and 27-31 remain rejected.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Meredith C Petravick

Primary Examiner

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August 10, 2005